

NOV. 19. 2004 12:03PM

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NO. 0598 P. 1

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TELEFAX CONTROL SHEET

SENT TO: Examiner Alana Harris  
Art Unit 1642 Cons. # 9907  
DATE SENT: November 19, 2004  
SUBJECT: U.S. 09/763,370  
No. of pages (including this cover sheet): 41 pages  
FROM: James Abbott - Secretary

Remarks:

Attached is a copy of the Reply filed January 15, 2004,  
postcard receipt, and copies of the three articles.  
(AE Form PTO-2038 is not attached).

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CONFIDENTIALITY NOTE

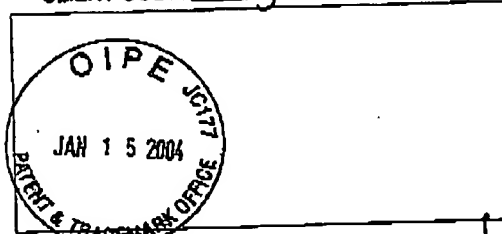
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APPLICATION/PATENT NO: 09/763,370  
DOCKET NO: OGATA-4

THE PATENT AND TRADEMARK OFFICE STAMP  
HEREON ACKNOWLEDGES RECEIPT OF THE  
FOLLOWING PAPERS:

- ☒ FEES \$ 950.00  
☒ PTO FORM 2038 ☐ (CH. #         )  
☒ EXTENSION OF TIME (3 MONTHS)  
☒ TRANSMITTAL LETTER  
☐ MISSING PART'S RESPONSE WITH DECL  
☒ AMENDMENT RESPONSE (circle one)  
☐ PRELIMINARY ☐ SUPPLEMENTAL  
☐ APPLICATION DATA SHEET  
☐ RESTRICTION/ELECTION REPLY  
☐ SEQUENCE LISTING ☐ WITH DISK  
☐ RCE TRANSMITTAL  
☐ NOTICE OF APPEAL  
☐ APPEAL BRIEF (TRIPPLICATE)  
☐ REPLY BRIEF (TRIPPLICATE)  
☒ OTHER 3 articles

CONF. NO.: 9907CLIENT CODE: YUAS

- ☐ ASSIGNMENT  
☐ INFORMATION DISCLOSURE STATEMENT  
☐ FORM SB08A &          PATENTS/PUBS  
☐ PRIORITY DOCUMENT(S) NO.           
☐ DECLARATION UNDER §           
☐          SHEETS OF FORMAL DRAWINGS  
☐ ISSUE FEE TRANSMITTAL FORM  
☐ PUBLICATION FEE  
☐ MAINTENANCE FEE LETTER

B&amp;N-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Esturo OGATA et al

Application No.: 09/763,370

Filed: February 21, 2001

For: METHOD OF DIAGNOSING BONE METASTASIS

Art Unit: 1842

Examiner: A. HARRIS

Washington, D.C.

Atty.'s Docket: OGATA-4

Date: January 15, 2004

Customer Window, Mail Stop  
THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Arlington, VA 22202

Sir:

Transmitted herewith is a [ ] REPLY: AMENDMENT AND REMARKS in the above-identified application.

- [ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- [ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- [ ] No additional fee is required.
- The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 17	MINUS	** 20	0
INDEP.	* 2	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 43	\$
+ 145	\$
ADDITIONAL FEE TOTAL	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 86	\$
+ 280	\$
TOTAL	

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

## [ ] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity	
Response Filed Within	
[ ] First	- \$ 55.00
[ ] Second	- \$ 210.00
[ ] Third	- \$ 475.00
[ ] Fourth	- \$ 740.00
Month After Time Period Set	

Other Than Small Entity	
Response Filed Within	
[ ] First	- \$ 110.00
[ ] Second	- \$ 420.00
[ ] Third	- \$ 950.00
[ ] Fourth	- \$ 1,480.00
Month After Time Period Set	

[ ] Less fees (\$ ) already paid for month(s) extension of time on

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 950.00

[ ] A check in the amount of \$ is attached (check no. ).

[ ] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.13.

BROWDY AND NEIMARK

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